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THE WEEKLY INDIANA STATE SENTINEL.

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INDIANA STATE SENTINEL.

INDIANA LEGISLATURE.

SENATE.

WEDNESDAY, Feb. 11, 1852.

Senate met.

Reports from Committees.

By Mr. Hanna, from the judiciary committee, returning House bill to constitute a Council composed of the officers of State, without whose advice and consent the Governor shall not grant pardons, with amendments.

Amendments concurred in, and the bill ordered to a third reading.

By Mr. Logan, from the same committee, returning resolution of the House instructing the Law Reform Commission to make certain reforms in the code of practice, recommending its passage. Laid on the table.

By Mr. Slack, from the same committee, returning House bill to prevent the destruction of animals and human life on railroads, recommending its passage. Passed to a third reading.

By Mr. Hanna, from the same committee, returning House bill regarding the forms of deeds and mortgages and their acknowledgments, with amendments. The amendments were concurred in.

After debate, the bill was amended, on motion of Mr. Secrest, by striking out the ninth section.

Mr. Dunn moved to indefinitely postpone the bill. Lost—yeas 19, nays 23.

The bill then passed to a third reading—yeas 24, nays 20.

By Mr. Niblack, from the same committee, that the local laws in relation to the election of township assessors are still in force. Concurred in.

By Mr. Hanna, from the same committee, an act concerning persons empowered to hold, convey, and devise real estate, &c.

Mr. McCarty, the order of business being suspended, moved to reconsider the vote adopting the resolution on yesterday, directing the committee on the State Prison to visit the State Prison; which motion prevailed.

The resolution was then indefinitely postponed.

By Mr. Slack, from the committee on county and township business, returning bill of the House to provide for the organization of county boards, and defining their powers and duties, with amendments. Which were concurred in.

Mr. Miller moved to amend so that the qualified voters of each district shall elect their own commissioners. Lost—yeas 11, nays 27.

Senate adjourned.

ATTEENOR SESSION.

The bill under consideration when the Senate adjourned was taken up, the amendments concurred in, and the bill ordered to be engrossed.

Mr. Turman, from a select committee on that subject, reported back the bill directing the State for the election of Supreme Judges, with an amendment, dividing the State into four districts.

Mr. Slack moved to amend by detaching Delaware county from the second district and attaching it to the first district; lost.

Before the vote was taken,

On motion of Mr. Holloway, the bill was laid on the table for the present.

Mr. Slack, from a select committee, returned a petition with the opinion that the object asked for in said petition is unconstitutional; concurred in. [Query—what is the subject of the petition?]

By Mr. Jones, from a select committee, returning a bill of the House to repeal an act amendatory to an act incorporating the city of Evansville, recommending its indefinite postponement; concurred in.

By Mr. Slack, from a select committee, returning bill of the House for the organization of horse-thief detecting companies, with amendments, recommending its passage; laid on the table for the present.

Resolutions Introduced.

The resolution offered by Mr. Teegarden yesterday, limiting the speeches of Senators to fifteen minutes on an amendment, and thirty minutes on an original proposition, was taken up and adopted.

By Mr. Goodman, that hereafter no member shall be excused unless in case of the sickness of himself or family, and whenever any member is absent his name shall be entered upon the journal; lost—yeas 12, nays 34.

By Mr. Alexander, instructing the committee on banks to inquire into the expediency of selling the State stock and the State's share in buildings of the State Bank.

Mr. Berry renewed his resolution (which failed the other day for lack of a quorum) in defense of the proceedings of the Senate in striking from the Journal a portion of the protest of Messrs. Miller, Dunn, and Marshall against the passage of the House districting bill.

Upon this motion a long discussion arose, when Mr. Slack moved the previous question, which was not seconded—yeas 22, nays 24.

The debate was resumed and continued at length.

The resolution was adopted—yeas 23, nays 17.

By Mr. Holloway, a joint resolution for the establishment of an agricultural bureau at Washington City.

By Mr. Winstanley, a bill to authorize cities of 5,000 inhabitants or more to issue bonds to borrow money for the purpose of municipal improvements.

By Mr. Turman, to incorporate the Fountain county Horse-Thief Detecting Company.

Mr. Slack moved to reconsider the vote indefinitely postponing the general banking law. Carried—yeas 34, nays 9.

The bill was then referred to the select committee on banking, of which Mr. Reid is chairman.

Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, Feb. 11, 1852.

The House met.

Petitions were presented by Messrs. Cockrum, Stanfield, and Donaldson, and appropriately referred.

Mr. Donaldson moved to reconsider the vote by which the House adopted a resolution authorizing the committee on the State's Prison to visit said Prison; which was agreed to.

The resolution was then indefinitely postponed.

Mr. McDonald moved to reconsider the vote on the indefinite postponement of the resolution.

After a lengthy debate the House refused to reconsider the vote.

The Speaker laid before the House a communication from the Auditor of State, relative to the amount it costs in selecting the Swamp lands.

Reports from Committees.

By Mr. Bulla, from the committee on elections, a bill for the election of justices of the peace, and to supply vacancies therein. Read the first time.

By Mr. Buskirk, from the committee on ways and means, to which was referred House bill for the sale of Saline lands in Orange county, that the act of Congress requires that said lands shall be sold for not less than \$1.25 per acre, and the bill recommends the sale of said lands for 50 cents; asking, therefore, the bill to be laid on the table; carried.

By Mr. Holman, from the judiciary committee, reporting back the bill relative to estates, and recommending that it be laid on the table; agreed to.

By Mr. Lewis, from the committee on scientific and benevolent institutions, reporting back a bill for the relief of the poor, with amendments; which were concurred in, and the bill ordered to be engrossed.

By Mr. Cromwell, from a select committee, a bill to authorize the relocation of the seat of justice of Clay county, and suspending the erection of a Court House at the present county seat, &c. Read the first time.

Resolutions Introduced.

By Mr. Barker, that from and after Monday next the House will meet at 8 o'clock, A. M.

Mr. Smith of S. moved to amend so as to meet at 1 o'clock, P. M., and again at 6 P. M.; which was accepted.

Mr. Lewis moved to amend so as to meet at 6 o'clock, A. M.; agreed to.

The resolution as amended was then agreed to amid much "noise and confusion."

By Mr. Gookins, that the Doorkeeper be requested to furnish the members of the House with their breakfasts in the Hall; agreed to by acclamation.

By Mr. Goudy, that hereafter no member will be excused unless he is sick.

Mr. Lewis moved to amend by adding "or his family;" which was agreed to.

The resolution, as amended, was then concurred in—yeas 50, nays 4.

By Mr. Douthitt, that if any member of the House absent himself during its session, without obtaining leave, he shall not receive his per diem salary; lost.

By Mr. Sumner, that the members of the House be required to sleep in the lobbies, in order to be here in time.

Mr. Gibson moved to amend by requiring the Doorkeeper to furnish coffee and oysters.

The Speaker ruled the resolution and amendment out of order.

By Mr. Hays of White, for a committee of ten members to furnish the breakfast in time.

The Speaker said the resolution was not in order.

By Mr. Mulget, that it is expedient to adjourn on the 1st day of March to meet again on the 15th day of May.

Mr. Gookins moved to amend by adding, the Senate concurring.

Mr. Stuart moved to amend by saying the 20th day of May.

Mr. Douthitt moved to lay the resolution and amendment on the table; agreed to—yeas 57, nays 27.

By Mr. Beane, that no member of this House shall speak more than twenty minutes at a time, nor more than twice on the same subject; lost.

Mr. Lewis moved to reconsider the vote by which the House agreed to meet at 6 o'clock, A. M., which was agreed to.

Mr. King moved to lay the resolution upon the table; agreed to.

Mr. Lewis moved to reconsider the vote by which the House ordered breakfast for the members; which was agreed to.

Mr. Gibson said the House had no power to rescind this resolution. The House have directed and the doorkeeper is now out contracting with some one to furnish the members with their breakfast. If the doorkeeper should make a contract under the resolution, the House cannot rescind it.

The resolution was then laid on the table.

Mr. Cockrum moved to expunge from the Journal all in relation to the order of business, and the ordering of breakfast for the members; adopted.

By Mr. Stevens, that the committee on ways and means be instructed to report a bill exempting railroad stock from taxation, until said railroad is finished or the stock is sold; lost.

Mr. Brady moved to make the resolution one of inquiry; agreed to.

The resolution was then agreed to.

By Mr. Walker, that the judiciary committee be instructed to report among other miscellaneous provisions relating to corporations, a section to this effect: When the number of stockholders in any company heretofore incorporated or hereafter to be organized shall be less than the number of directors required in the charter of said companies or articles of association, the number of directors shall be reduced to the number of stockholders, and such reduced number of directors shall exercise all the powers and authority of the original number, and no person shall be a director in any corporate body who is not a stockholder therein; adopted.

By Mr. Sumner, that the committee on temperance be instructed to report a bill, that any ministerial or judicial officer who is known to be in the habit of drinking strong and intoxicating liquors to excess, while in the discharge of the duties of his office, it shall be considered a misdemeanor, and subject him to impeachment and removal, which provision shall apply to members of the Legislature.

Mr. English moved to make it a resolution of inquiry; agreed to.

The resolution was then adopted.

Mr. Torbet introduced a joint resolution, that in the opinion of the General Assembly there should be no change made in the Constitution of the United States.

Mr. Suit moved to reject the resolution, which after some debate was agreed to; yeas 53, nays 26.

Bills, &c., Introduced.

By Mr. Smith of M., a bill to provide for the punishment of offences, against the right of suffrage; read the first time.

By Mr. Lewis, a bill relative to the proving and recording of deeds of real estate; read the first time.

On motion of Mr. Behm, The House adjourned.

SENATE.

THURSDAY, Feb. 12, 1852.

Senate met.

Petitions, &c., Presented.

By Mr. Milliken, from the Social Order of Temperance of the city of Indianapolis. Referred to a select committee.

The President laid before the Senate a communication from the Governor, in relation to the State of New Hampshire, Georgia, Delaware, Illinois, and New Jersey, on the subject of slavery and the Compromise Measures. Laid on the table.

Reports from Committees.

By Mr. Dawson, from the judiciary committee, that it is inexpedient to legislate on the subject of collecting fees adjudged against defendants in criminal prosecutions. Concurred in.

By Mr. James, from the committee on claims, allowing Amos Rose of Dearborn county twenty-five dollars. Concurred in.

By Mr. Reid, from a select committee, returning the bill for the organization of a court of common pleas, with amendments. Laid on the table, and the amendments ordered to be printed.

By Mr. James, from the committee on claims, allowing William Roa of Clarke county twenty-five dollars. Concurred in.

Bills, &c., on their Third Reading.

Bill of the House, constituting the officers of State a council, without whose advice and consent the Governor shall not grant pardons. Lost—yeas 12, nays 31.

Bill of the House, regarding the forms of deeds and mortgages, and their acknowledgments.

Mr. Safford moved to recommit, with instructions to strike out that part in relation to taking acknowledgments of deeds by married women. Lost.

Mr. Dougherty moved to recommit with instructions to amend that part in relation to acknowledgments.

The bill was lost—yeas 16, nays 28.

A bill of the House, to prevent the destruction of animals and human life by railroads, and to provide compensation for the same. Passed—yeas 31, nays 12.

Mr. Dunn moved a reconsideration of the vote passing the bill.

Upon this a lengthy debate ensued, when the Senate refused to reconsider the vote.

Mr. Marshall moved to recommit the bill to the judiciary committee, with instructions to amend.

The vote ordering the bill to be engrossed was reconsidered, and Mr. Marshall's motion to recommit prevailed.

House bill for the encouragement of agriculture. Passed—yeas 37, nays 8. Messrs. Athol, Brugh, Cravens, Henton, and Miller, 5.

House bill for the establishment of public libraries. Passed—yeas 36, nays, Messrs. Athol, Brugh, Cravens, Crawford, Davis, and Miller.

On motion of Mr. Marshall, the order of business was suspended, and bill of the House to dispose of the State's interest in the Madison and Indianapolis railroad was taken up, and read the first time.

Senate adjourned.

ATTEENOR SESSION.

Senate met.

Mr. Allen, from a select committee, reported, on leave, a bill providing for the appointment of a commis-

sioner to build an iron fence around the Tippecanoe Battle Ground.

The bill of the House, to limit the number of grand jurors, and to modify the grand jury system, having been made the special order, was taken up.

The question pending when the bill was last under consideration, was the amendment proposed by Mr. Hanna, to abolish the system, and providing for the prosecution of criminal offences by presentment by the prosecuting attorney, or by recognizances from magistrates and other courts.

A call of the Senate was ordered, and the absentees sent for.

While the Senate was waiting for the absentees, on motion of Mr. Mickel, the call of the Senate and the order of business were suspended in order to take up the bill to divide the State into districts for the election of supreme judges, and the amendments of the committee, making four districts.

Mr. Dunn asked that the vote be taken on each district separately, which was agreed to.

Mr. Berry, for the purpose of having a test vote on the number of supreme judges, moved to lay all the amendments on the table. Lost—yeas 18, nays 25.

Mr. Reid moved to strike Randolph county from the first district and add it to the second. Lost.

Mr. Brugh moved to add Randolph to the second district, and Delaware to the first. Lost—yeas 17, nays 29.

The first amendment, constituting the first district, was then adopted.

Mr. Spann moved to add Floyd to the third district, and Bartholomew to the second. Carried.

The second district reported by the committee, as amended, was then adopted—yeas 23, nays 19.

The fourth district, was reported by the committee, as then adopted.

Mr. Slack moved to reconsider the vote rejecting the amendment offered by Mr. Brugh. Lost—yeas 14, nays 31.

Mr. Reid moved to add Randolph to the second district and Bartholomew the third. Lost.

The bill was then ordered to be engrossed—yeas 26, nays 19.

The grand jury bill was then taken up.

On motion of Mr. McCarty, the call of the Senate and the special order were suspended, and he asked and obtained leave to present a memorial from Judge Wick and the members of the bar in the fifth judicial circuit, asking relief from the inequalities growing out of the present arrangement of judicial circuits, by which the amount of labor required to be performed by the judge of said circuit is much too great for the compensation allowed.

Mr. Secrest moved to refer the memorial to the committee on the organization of courts, with instructions to prepare and report a bill reducing the fifth circuit, so that the number of the courts therein shall not extend beyond thirty weeks in each year, and to take effect from and after its passage. Adopted.

Mr. Hester moved to take up the temperance bill.

Mr. Dunn moved to lay the motion on the table. Carried.

On motion of Mr. Hester, the call of the Senate was resumed.

On motion of Mr. Delavan, the call was suspended.

Mr. Delavan moved to take up the temperance bill. Laid on the table.

Mr. Hester moved to resume the call of the Senate. Lost.

The grand jury bill being again taken up,

Mr. Slack moved to amend Mr. Hanna's amendment by adding to it the following section:

"Sec. —. It shall be the duty of the prosecuting attorney, whenever complaint is made to him of the commission of any offence, to duly present the same, and to induce upon said presentment, at whose instance the same is made; and should said prosecution not be sustained, said complaining witness shall, at the discretion of the court and jury trying the same, be liable for all costs which may accrue thereon. Lost—yeas 20, nays 34.

The question then being on the adoption of Mr. Hanna's amendment, it was decided in the negative.

AYES—Messrs. Berry, Brugh, Deftrees, Delavan, Goodman, Hatfield, Henton, Hickman, Kinard, Kinsall, Longshore, Mickle, Miller, Slack, Sleeth, Spann, Turman, Walker and Washburn—19.

NOES—Messrs. Alexander, Allen, Athol, Cravens, Crawford, Davis, Dawson, Dougherty, Dunn, Eddy, Henton, Hickman, Holloway, Hunt, Kendall, Kinard, Longshore, Marshall, McCoy, Milliken, Niblack, Odell, Reid, Secrest, Teegarden, Winstanley and Withrow—27.

Mr. Dunn moved to strike out the word six as the number of Grand Jurors, and insert not more than seventeen, nor less than fifteen.

A question of order was raised, as the Senate a few days ago refused to strike out the word six.

Mr. Dunn withdrew his motion, and Mr. Milliken moved to reconsider the vote by which the Senate refused to strike out. Carried—yeas 26, nays 21.

The question then was upon the motion made a few days ago to strike out six and insert not more than eighteen, nor less than fifteen.

A division of the question was called for and ordered, when the Senate decided to strike out—yeas 25, nays 21.

The question then being upon inserting not more than eighteen, nor less than fifteen, it was decided in the affirmative. Ayes 13, nays 32.

Mr. Dunn moved to insert not more than seventeen, nor less than fourteen. Lost—yeas 15, nays 32.

Mr. Dunn moved to insert not more than sixteen, nor less than fourteen. Lost—yeas 22, nays 25.

Mr. Cravens moved to insert not more than fifteen, nor less than thirteen. Lost—yeas 22, nays 24.

Mr. Mickle moved to insert not more than thirteen, nor less than eleven.

Mr. Hanna moved to lay the bill and amendments on the table. Lost—yeas 22, nays 14.

The Senate then refused to concur in Mr. Mickle's amendment.

Mr. Sleeth moved to insert not less than six nor more than nine.

Mr. Dunn moved to insert not more than nineteen nor less than fourteen. Lost—yeas 14, nays 33.

Mr. Secrest, to bring the Senate to a test vote, moved to indefinitely postpone the bill and pending amendments. Lost—yeas 16, nays 31.

Mr. Milliken moved to insert not less than eleven nor more than thirteen.

Mr. Turman moved to adjourn. Lost.

Mr. Alexander moved to lay the bill and amendments on the table. Lost—yeas 14, nays 33.

Mr. Reid moved to refer the bill to a select committee of five.

Mr. Dawson moved to constitute the committee of one from each judicial circuit. Lost.

Mr. Reid's motion to refer to a committee of five was then negatived.

The question was then taken upon Mr. Marshall's motion to insert not less than twelve nor more than fifteen. Lost—yeas 22, nays 24.

The question was then taken upon Mr. Milliken's motion to insert not less than eleven nor more than thirteen. Lost—yeas 13, nays 34.

Mr. Cravens moved to insert not less than seven nor more than eleven. Lost—yeas 12, nays 38.

Mr. Dawson moved to insert twelve. Lost—yeas 18, nays 28.

Mr. Deftrees moved to insert not less than eight nor more than twelve.

Mr. Spann moved to adjourn. Lost.

Mr. Deftrees's motion was then negatived—yeas 10, nays 33.

Mr. Delavan moved to lay the bill and amendments upon the table. Carried.

Senate adjourned.

The following is the resolution introduced yesterday, and passed by the Senate, in relation to amending the Constitution by striking out a portion of the protest of Messrs. Miller, Dunn, and Marshall, against the passage of the House districting bill.

WHEREAS, The Senate, on the 5th inst., passed House bill No. 83, entitled "A bill dividing the State into Congressional districts;

AND WHEREAS, A minority of the Senate did enter their protest against said act of the majority of the Senate, in which said protestors did use the following words: "Because the committee appointed by order of the Senate to report a bill for this purpose, neglected and refused to report a bill themselves, as well as neglected to report on two bills referred to said committee for this purpose, until there was not time sufficient to mature and per-

fect the same, nor until the bill of the House was reported to the Senate;"

AND WHEREAS, At the reading of the journal on the next day, a motion was made to strike out the words quoted above, during the pendency of which the protestors authorized the Assistant Secretary to strike out the words "and refused," after which the Senate did order the remainder of said words as quoted above stricken from the journal. Bill No. 83 was never before the committee censured. The protestors caused the imputation of refusing to report to be stricken from the journal, and the Senate ordered the other "of neglect," to be stricken out. Thus the protestors and Senate both used their undoubted right to correct the journals, and each used the same means, that of striking out what each believed to be untrue, and they both exercised this right on the same day.

ANN WHEREAS, It is untrue that the committee did not report back the two bills referred to it "until after the bill of the House was reported to the Senate"—for said committee reported the bills on the 5th inst., four days before the House bill was reported to the Senate, and sixteen days before said House bill passed the Senate: Therefore,

Be it resolved, That the reasons which governed the majority in ordering said words to be stricken from the journal were: That their opinion was, that a protest, "in parliamentary law, is a solemn declaration, made in writing, by a minority of a deliberative body, to testify their dissent from the proceedings of a majority," and that in this sense only it is secured to Senators by the Constitution of the State. The Constitution securing this parliamentary right, does not license a protestor to misstate facts, to justify his act, or to misrepresent the proceedings of a majority, or to ensure a minority—the non-action of a Senator or of a committee; neither does it allow him to use reasons why a bill should not have passed, in a protest, that would have been unparliamentary for him to have urged in debate, when the bill was before the Senate, and when the majority of the committee; and as allusion to the unreported section of a committee cannot be made in a protest, it cannot be the proper subject of censure or praise in a protest. To the end that the committee should not be improperly represented, and that parliamentary usages be maintained, such words were directed to be stricken out, that the journals should exhibit only the truth.

HOUSE OF REPRESENTATIVES.

THURSDAY MORNING, Feb. 12, 1852.

The House met pursuant to adjournment.

Reports from Committees.